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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,590	10/01/2003	Sig Harold Badt JR.	129250-002273	7975
33498 7590 12/04/2009 CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC P.O. BOX 1995 VIENNA, VA 22183				
EXAMINER				
PULLIAS, JESSE SCOTT				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/676,590

**Applicant(s)**

BADT, SIG HAROLD

**Examiner**

JESSE S. PULLIAS

**Art Unit**

2626

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 5, 8, 11, 12, 15, 18, 19 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 8, 11, 12, 15, 18, 19, and 22-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to correspondence filed 09/02/09 regarding application 10/676590, in which no claims were amended, cancelled, or added. Claims 1, 4, 5, 8, 11, 12, 15, 18, 19, and 22-27 are pending in the application and have been reconsidered.

### ***Response to Arguments***

2. The arguments on pages 5 and 6 of the Remarks have been fully considered but are not persuasive for at least the following reasons:

On page 5, the Remarks assert "The Examiner directs the Applicant's attention to column 7 of Groner as purportedly disclosing the features above. This excerpt from Groner appears to disclose "pull down menus" 210, 212 and "speech recognition procedures" 156, including a "Voice Tool" 170. However, this excerpt does not describe the display of a pull down menu after the selection of a field and receipt of a spoken, user command. In fact, Groner's pull down menus and Voice Tool do not appear to work in combination at all."

The examiner respectfully disagrees. Groner is generally directed to generating grammar for voice navigation of a software application such as that shown in Figures 4A and 4B and described in Col 7 as was described on page 3 of the Office Action mailed 06/03/2009. The user navigates through the application using voice rather than pointing and clicking using a mouse, which is done by speaking a command. See, for instance, Col 7 lines 10-15, where Groner teaches that the display is constantly updated to let the user know the set of available choices for user selection via spoken input or otherwise. For example, looking at Fig 4A and 4B, if the current application context was 4A and the

user spoke "Arrange", the display would be updated to that of 4B. In other words, the spoken command "Arrange" is received, and the user interface displays a pull down menu with "Move Forward, Move to Front..." after receipt of the "Arrange" command and selection of the "Arrange" field.

The remaining arguments on pages 5-6 regarding claims 8, 15, 4, 11, and 18 are similar to the arguments regarding claim 1 addressed above, and the examiner respectfully disagrees with them for similar reasons.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 8, 12, 15, 19, and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groner (5,668,928) in view of Bissonnette et al. (5,602,963).

Consider claim 1, Groner discloses a computer interface system (**Fig 1**, user interface 106), comprising a microphone (**Fig 1**, element 112) that receives audio input from a user, a speech recognition mechanism (**Fig 1**, voice recognition procedures 156) that includes a predefined dictionary having a plurality of recognized input terms and commands (**Fig 1**, standard dictionary 152), and a user interface (**Fig 1** element 110),

wherein the user interface provides a form having a plurality of pull-down menu fields for user input (**Col 7 lines 23-25**), wherein upon selection of one field and receipt of a recognized command spoken by the user, the user interface displays a list of recognized input terms in a pull-down menu that are appropriate for input into the selected field on the form (**Fig 7 lines 10-15**), wherein upon receipt of an appropriate recognized input term for the selected field, the input term is input in the selected field (**Col 6 lines 5-10, 55-60**).

Groner does not specifically mention the system automatically selects a next field on the form for user input (**Col 7 lines 55-65**).

Bissonnette discloses the system automatically selects a next field on the form for user input (**Col 1 lines 30-31**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Groner such that the system automatically selects a next field on the form for user input, in order to make form filling less time consuming, a need identified by Bissonnette (**Col 2 lines 7-8**).

Consider claim 8, Groner discloses a computer program product in a computer readable medium for use in a computer interface system (**Fig 1**), the computer program product comprising instructions for displaying a user interface to the user (**Fig 1, element 110**), wherein the user interface provides a form including a plurality of pull-down menu fields for user input (**Col 7 lines 23-25**), instructions for receiving a selection of a field for user input (**Col 6 lines 52-60, Col 7 lines 23-25**), instructions for

providing a list of recognized input terms for the selected field in a pull-down menu (**Col 7 lines 23-25**), instructions for receiving audio input in the form of at least one word from the list from a user (**Col 6 lines 53-55**), instructions for recognizing the at least one word as an input term or a command (**Col 5 lines 35-44**), instructions for causing the user interface to display a list of recognized input terms for inputting into the selected field if the at least one word is recognized as a command (**Col 7 lines 10-15**), instructions for completing the selected field with the input term if the at least one word is recognized as the input term (**Col 6 lines 5-10, 55-60**).

Groner does not specifically mention automatically selecting the next field on the form for user input upon receipt of a recognized input term.

Bissonnette discloses the system automatically selects a next field on the form for user input (**Col 1 lines 30-31**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Groner such that the system automatically selects a next field on the form for user input, for reasons similar to those of claim 1.

Claim 15 is directed to the method performed by the instructions executed by the computer of claim 8, and so is rejected for reasons similar to those of claim 8.

Consider claims 5, 12, and 19, Groner discloses displaying a second user interface window upon receipt of a second command (**Fig 4A, 4B**).

Consider claims 22, 24, and 26, Groner discloses the list of recognized input terms comprises all possible input terms for the one field (**Col 7 lines 1-5, lines 10-15**).

Consider claims 23, 25, and 27, Groner discloses the list of recognized input terms is defined in the user interface (**Col 7 lines 10-15**).

5. Claims 4, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groner (5,668,928) in view of Bissonnette et al. (5,602,963), in further view of Vanbuskirk (6,308,157).

Consider claims 4, 11, and 18, Groner and Bissonnette do not specifically mention outputting an audio prompt that prompts the user to speak a recognized input term.

Vanbuskirk discloses outputting an audio prompt that prompts the user to speak a recognized input term (**Col 6 lines 19-20**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Groner and Bissonnette by outputting an audio prompt that prompts the user to speak a recognized input term, in order to better get the user's attention in case the user is not looking at the display.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Pullias whose telephone number is 571/270-5135. The examiner can normally be reached on M-F 9:00 AM - 4:30 PM.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571/272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571/270-6135.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic



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Business Center (EBC) at 866-217-9197 (toll-free).

/Jesse S Pullias/

Examiner, Art Unit 2626

/Talivaldis Ivars Smits/

Primary Examiner, Art Unit 2626

12/1/2009